

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	CS Docket No. 97-80
)	
Guam Cablevision, LLC)	CSR-7193-Z
Guiness Communications Inc.)	CSR-7202-Z
d/b/a Delta Cable Vision)	
Puerto Rico Cable Acquisition Corp.)	CSR-7201-Z
)	
Requests for Waiver of Section 76.1204(a)(1))	
)	
Implementation of Section 304 of the)	
Telecommunications Act of 1996)	
)	
Commercial Availability of Navigation Devices)	
_____)	

**Comments of the Consumer Electronics Association
on Requests for Waiver of 47 C.F.R. § 76.1204(a)(1)
by Operators in Non-Contiguous U.S. Areas**

May 24, 2007

**Before the
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**Comments of the Consumer Electronics Association
on Requests for Waiver of 47 C.F.R. § 76.1204(a)(1)
by Operators in Non-Contiguous U.S. Areas**

The Consumer Electronics Association (“CEA”) submits these comments in response to the requests for waiver of Section 76.1204(a)(1) of the Commission’s rules by Guam Cablevision, LLC,¹ Guinness Communications Inc d/b/a Delta Cable Vision,² and Puerto Rico Cable Acquisition Corp³ (collectively “Petitioners”).

Section 76.1204(a)(1), the common reliance rule, is intended to carry out Congress’s instructions to create competition in video navigation devices available at

¹ *Commercial Availability of Navigation Devices*, CS Docket No. 97-80, CSR-7193-Z, Guam Cablevision, LLC Request for Waiver (Mar. 30, 2007) (“Guam Request”).

² *Commercial Availability of Navigation Devices*, CS Docket No. 97-80, CSR-7202-Z, Guinness Communications Inc. Request for Waiver (Apr. 26, 2007) (“Guinness Request”).

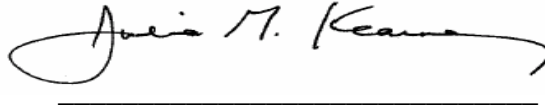
³ *Commercial Availability of Navigation Devices*, CS Docket No. 97-80, CSR-7201-Z, Puerto Rico Cable Acquisition Corp. Request for Waiver (Apr. 24, 2007) (“Puerto Rico Cable Request”).

retail. But implementation of the rule has been postponed so long that operators like the Petitioners now depend on the product decisions of a single vendor. A waiver of the common reliance rule will not give Petitioners any additional influence over monopoly vendors. The delay in implementing Section 76.1204(a)(1), and the ensuing avalanche of waiver requests, has only added to the monopoly power of incumbent providers, the exact scenario that common reliance should have prevented.⁴

Petitioners state no grounds for waiver under Section 629(c) of the Telecommunications Act or under any of the Commission's regulations pertaining to common reliance. To the extent the Commission may find any special circumstances under its more general rules, or may make a *de minimis* determination, it should bear in mind that too many or too liberal exceptions would serve to ratify the nullification of FCC regulations by larger MSOs and their vendors. Hence, the Commission should do so only in the larger context of addressing the need for a competitive, national, interoperable navigation device market, and to the extent it grants any waivers, even on *de minimis* grounds, should impose forward-looking obligations to assure compliance and the achievement of a national competitive market in "2-way" navigation devices, rather than perpetual future renewal.

⁴ See *In the Matter of Armstrong Utilities, Inc. Emergency Request for Waiver of 47 C.F.R. §1204(a)(1)*, CS Docket No. 97-80, CSR-7112-Z, Emergency Request for Waiver of 47 C.F.R. §1204(a)(1) and Request for Clarification at 3 (Nov. 7, 2006). ("Motorola has informed Armstrong that, absent a waiver of the integration ban for the DCT-700, Motorola will stop taking orders for the box . . .").

Respectfully submitted,



Of counsel
Robert S. Schwartz
Mitchell L. Stoltz
Constantine Cannon LLP
1627 Eye Street, N.W.
10th Floor
Washington, D.C. 20006
(202) 204-3508

Julie M. Kearney
Senior Director and Regulatory Counsel
Consumer Electronics Association
2500 Wilson Boulevard
Arlington, VA 22201
Tel: (703) 907-7644

Dated: May 24, 2007

CERTIFICATE OF SERVICE

I do hereby certify that on May 24, 2007 I caused a true and correct copy of the foregoing Comments of the Consumer Electronics Association on Requests for Waiver of 47 C.F.R. § 76.1204(a)(1) by Operators in Non-Contiguous U.S. Areas to be served via overnight mail on the following:

John Wells King
GARVEY SCHUBERT BARER
1000 Potomac Street, N.W.
Fifth Floor
Washington, DC 20007
Counsel for Guam Cablevision, LLC

Larry Boule
General Manager
Delta Cable Communications Ltd.
5381 48th Ave.
Delta, BC V4K 1W7
Counsel for Guinness Communications Inc. d/b/a Delta Cable Vision

Jorge L. Bauermeister
VIG Tower
1225 Ponce de Leon Ave.
Suite 1505
Santurce, PR 00907
Counsel for Puerto Rico Cable Acquisition Corp.

/s/ LaClaudia Dyson
LaClaudia Dyson